

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

TERRY PENISTER
ADC #092828

PLAINTIFF

v.

CASE NO. 4:18-CV-00514-BSM

MARK CASHION, *et al.*

DEFENDANTS

ORDER

After *de novo* review of the record, United States Magistrate Judge Edie R. Ervin's recommended disposition [Doc. No. 74] is adopted in part. The motion for summary judgment filed by Byron Brown, Mark Cashion, Micheal Lowe, and James Shipman [Doc. No. 65] is granted, and Penister's claims against those defendants are dismissed with prejudice. As to defendant Darren Thomas, the case is remanded to Judge Ervin because Penister contends that Thomas has been served by publication as approved by the order issued on August 16, 2021. *See* Doc. Nos. 62, 63, 64.

IT IS SO ORDERED this 9th day of February, 2022.


UNITED STATES DISTRICT JUDGE